

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

No. CR S-93-233 GEB GGH P

vs.

GERARD GALLANT,

Movant.

ORDER

By a filing in this court's docket on January 30, 2009, the Ninth Circuit, noting that the undersigned had filed an order on October 21, 2008, indicating an intention to vacate the June 30, 2008, order that was the subject of movant's appeal, remanded this matter for the limited purpose both of vacating the order filed on June 30, 2008, and in order for this court to correct the docket to show that the July 13, 2007, motion was brought pursuant to 18 U.S.C. § 3582. See Docket # 240. The undersigned notes that the docket modification with respect to the 18 U.S.C. § 3582 motion has already been made, evidently pursuant to the mandate.

Accordingly, IT IS ORDERED that:

1. The June 30, 2008 (docket # 230), order striking the movant's amended § 2255 motion, filed on June 25, 2008 (# 228), is hereby vacated and this matter will proceed

1 before the undersigned pursuant to reference; and

2 2. Movant's motion, filed on July 13, 2007 (# 221 ), has been modified, as of  
3 January 30, 2009, and reflects that it was brought pursuant to 18 U.S.C. § 3582.

4 DATED: February 5, 2009

/s/ Gregory G. Hollows

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6 GREGORY G. HOLLOWS  
UNITED STATES MAGISTRATE JUDGE

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